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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,249	07/09/2003	Tsunetaro Matsuoka	450101-02997.1	9487

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EXAMINER

MARC, MCDIEUNEL

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,249

Applicant(s)

MATSUOKA ET AL.

Examiner

McDieunel Marc

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/28/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-24 and 27-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-24 and 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 19-24 and 27-30 are presented for examination.
2. Preliminary amendment has been entered.

Specification

3. The disclosure is objected to because of the following informalities:

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Appropriate correction is required.

Claim Objections

4. Claim 30 objected to because of the following informalities:

In claim 30, line 1, [17], should be replaced by -- 17 --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 28 recites the limitation "the group" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 19-24, 27, 29 and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Lawton *et al.* (U.S. Pat. No. 5,832,100) in view of Saigh *et al.* (U.S. PG. Pub. 20040249497 A1).

As per claims 19 and 27, Lawton *et al.* teaches commercial transaction (see abstract) system comprising:

a robot apparatus manager that manages a robot apparatus (see con. 9, lines 57-64) so that the robot apparatus performs a predetermined action when it detects

predetermined information (see col. 5, lines 17-23 and col. 9, line 65); Lawton *et al.* recognizes the use of a robot, therefore implies a plurality of movable parts; Lawton's *et al.* computer system meets the limitations of a memory, reading means. Lawton *et al.* does not specifically teach the following limitations taught by Saigh *et al.*.

Saigh et al. teaches a system having a product distributor that acquires the predetermined information relating to a contract made between the robot apparatus manager and the product distributor and appended to a product for sale to a user of the robot apparatus (see fig. 19 and sections [0107 and 0015]); and

the robot apparatus which detects the predetermined information appended to the product purchased by the user and performs a predetermined action based on the detected predetermined information (see sections [0015 and 0107]), note that robots which can reach into the compartments inherently meets the detection limitation; and withdraw articles and place them onto conveyor being considered as predetermined action.

It would have been obvious to a person of ordinary skill in the art the time of the invention to modify the teaching Lawton *et al.* with the teaching of Saigh *et al.*, because this modification would have increased Lawton's *et al.* In order to communicate information between the customer and the CORE system, to receive customer instructions for ordering classified goods or services, thereby improving the efficiency of the robotic apparatus and commercial transaction method.

As per claims 20-23, Saight et al. teaches in view of Lawton *et al.* a system, which meets the limitation of a robot apparatus acts autonomously based on an external factor and/or internal factor (see section [0015]), note that robots, which can reach into the compartments, withdraw articles and place them onto a conveyor deals with internal and external factor; the robot apparatus manager is a manufacturer or distributor of the robot apparatus which manages the robot apparatus so that the robot apparatus performs the predetermined action based on the detected predetermined information acquired and sold under the contract with the product distributor (see section [0107] as described above), note that the purchasing department deals with keeping record/collecting/servicing sold good under contract with a product distributor; the computerized system of Saight *et al.* meets the limitations of a memory and read information stored.

As per claim 24, Lawton et al. teaches a system wherein the predetermined information includes at least two pieces of information on the attribute of a product available from the product distributor (see abstract); and the robot apparatus detects at least one of the two pieces of information appended to the product and performs the predetermined action acts based on the detected information (see col. 5, lines 17-23 and col. 9, line 65).

As per claims 29-30, Lawton et al. teaches essential features of the invention substantially as claimed, with the exception of a system, wherein the information regarding the supply source is provided by a bar code, by a cyber code.

Saigh et al. teaches a system having code (see section [0016]), which being considered as bar code and cyber code.

It would have been obvious to a person of ordinary skill in the art the time of the invention to modify the teaching Lawton *et al.* with the teaching of Saigh *et al.*, because this modification would have increased Lawton's *et al.* In order to provide processing of the ordered goods and services and a running inventory, thereby improving the efficiency of the robotic apparatus and commercial transaction method.

Allowable Subject Matter

10. Claim 28 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

11. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fail to teach or fairly suggest a robot apparatus wherein the product is selected from the group consisting of a personal computer, a mobile telephone, canned juice, bagged candy or a CD case.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to McDieunel Marc whose telephone number is (571) 272-6964. The examiner can normally be reached on 6:30-5:00 Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


McDieunel Marc

Monday, April 25, 2005

MM/